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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/04/2003

Bion Bartning

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FITZPATRICK CELLA (AMEX)
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/707,310	Applicant(s) BARTNING ET AL.	
	Examiner AKIBA K. ROBINSON BOYCE	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/23/09 has been entered.

Status of Claims

2. Due to communications filed 12/22/08, the following is a final office action. Claims 1-8 are pending in this application and have been examined on the merits. Claims 1-8 are rejected as follows. The previous rejection has been maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al (US 2003/0055689 A1), as cited by applicant, and further in view of Schiff, et al (US 2003/0004760 A1).

Art Unit: 3628

As per claim 1, Block et al discloses:

allowing access to a host server via at least two out of a plurality of travel channels to facilitate formation of a travel plan for a traveler, wherein the plurality of travel channels include an Internet connection, a telephone, and a travel counselor office, and wherein the host server is in communication with, and provides access to, a plurality of: travel vendor databases, user multi-use point of service terminals, and global distribution systems that include any computer network that provides inventory access that is at least related to hotel, condominium, rental car, train, bus, and airline inventory, ([0157], shows central server that allows access to web pages and other data, w/[0048], lines 4-6, Internet, [0049], lines 1-10, cell phone, kiosk, w/ [0164], shows Global Distribution System providers (such as Sabre, Worldspan, Amadeus, Galileo) as well as the variety of Internet based booking engines (such as Travelocity) are utilized by a traveler to make travel decisions, where Travelocity is known for booking airline inventory);

associating the travel booking with the traveler, (Claim 43, reserving travel services based on information received in the request and on the travel related information of the traveling member maintained in the central database);

storing the travel booking and customer data for the travel customer in a central repository, ([0010], lines 28-31, shows member's travel needs/preferences are stored in member's portfolio or profile, where profile is shown to be stored in the central memory as shown in [0118]);

receiving a travel change for the travel plan by any of the travel

Art Unit: 3628

channels, either the same as or different from the first travel channel, ([0074], lines 1-4, member changes travel plans by palm...kiosk, etc);

retrieving the travel booking and the customer data from the central repository, ([0010], lines 22-28, shows the analysis of travel requirements to make reservations best able to meet member's travel needs. Since member's travel needs/preferences are stored in member's portfolio or profile, [0010], lines 28-31, and the profile is shown to be stored in the central memory in [0118], it is inherent for the travel booking and customer data to be retrieved from the central repository in order to be analyzed);

servicing the travel change by modifying the travel booking to produce a modified travel booking, ([0074], lines 4-6, obtain a text confirmation in the form of a computer print out of travel change);

and storing the modified travel booking in the central repository, (inherent with [0074], lines 4-6, since any information in a text confirmation must be stored in order to actually send the text to the kiosk, in addition, [0159], shows kiosk is in communication with the central server [which contains central memory]).

Book et al does not specifically disclose receiving a travel booking for the travel plan from a travel counselor at a traveler counselor office by a first one of the travel channels, however, does disclose the use of booking engines to facilitate the booking of travel in [0164].

However, Schiff, et al discloses enabling a travel agent to book travel for a customer using web browser programs as shown in [0015]. In addition, Schiff et al

Art Unit: 3628

discloses the use of booking engines to aid agents in booking travel for customers in [0049]. It therefore would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the teachings of Book et al and Schiff et al to receive a travel booking for the travel plan from a travel counselor at a traveler counselor office by a first one of the travel channels. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive a travel booking for the travel plan from a travel counselor at a traveler counselor office by a first one of the travel channels with the motivation of allowing the intervention of a third party to facilitate booking of travel.

As per claim 2, Block et al discloses:

connecting a plurality of travel vendor databases to the host server, (Claim 6, plurality of Web Pages providing information on a plurality of individual travel facilities).

As per claim 3, Block et al discloses:

further comprising the step of providing direct access to the host server for a plurality of external consumers, [0051], direct inputs).

As per claim 4, Block et al discloses:

further comprising the step of providing a plurality of travel counselor offices, wherein each of the travel offices has access to the host server by said plurality of travel channels, (Fig. 2, kiosks).

As per claim 6, Block et al discloses:

wherein the step of receiving a travel booking comprises receiving a travel

Art Unit: 3628

booking by an Internet travel booking request, and further comprising the step of automatically processing the travel booking request, (Claim 92, Internet accessed travel planning system for making travel arrangements via request).

As per claim 7, Block et al discloses:

wherein the travel booking comprises flight reservation information, hotel reservation information, and car rental information, (Claim 62, 64 and 66, flight, rental vehicle, hotel room).

As per claim 8, Block et al discloses:

further comprising the step of storing fulfillment information in the central repository for the travel booking, ([0012], data fulfilling members travel requirements are available or storage in members portfolio/profile, where profile is in central memory as shown in [0118]).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al (US 2003/0055689 A1), as cited by applicant, and further in view of Schiff, et al (US 2003/0004760 A1), as applied to claim 1 above, and further in view of Walker et al (US 5,897,620), as cited by applicant.

As per claim 5, neither Block et al nor Schiff et al disclose the following, but Block et al does disclose the use of email to confirm membership enrollment for travel services in [0072].

However, Walker et al discloses:

wherein the step of receiving a travel booking comprises receiving a travel

Art Unit: 3628

booking by an unformatted e-mail message, (Col. 5, lines 49-54, shows traveler contacts the travel agent by email). Walker et al discloses this limitation in an analogous art for the purpose of showing that the traveler uses email to provide a travel itinerary.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive a travel booking by an unformatted e-mail message with the motivation of allowing a user to utilize the available methods of communication to obtain travel services.

Response to Arguments

6. Applicant's arguments filed 12/22/08 have been fully considered but they are not persuasive.

Applicant argues that the presently claimed invention combines a travel counselor booking feature within a consumer travel integration method to result in a synergy not previously achieved in the art. However, it is the combination of the Block et al and Schiff, et al references that discloses this feature. Specifically, Block et al discloses an automated internet based interactive travel planning and management system which incorporates a web-based planning and reservation interface system and an interactive device, where the system responds to details of a member's desired travel, to thereafter act in real time to contact the domains of associated travel service providers to arrange for every aspect of the member's trip, including airline reservations. Block et al does not specifically teach receiving a travel booking for the travel plan from

Art Unit: 3628

a travel counselor at a traveler counselor office by a first one of the travel channels, however, Block does disclose the use of booking engines to facilitate the booking of travel in [0164]. Examiner therefore cited Schiff, et al to cure the deficiencies of Block et al. Specifically, Schiff et al discloses enabling a travel agent to book travel for a customer using web browser programs as shown in [0015], and would therefore be obvious to combine Block et al and Schiff et al to show a travel agent using the system of Block et al to execute a travel planning and management system where reservations are booked according to a consumer's travel needs.

Conclusion

7. This is an RCE of applicant's earlier Application No. 10/707310. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

- Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Art Unit: 3628

Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
March 13, 2009

/Akiba K Robinson-Boyce/

Primary Examiner, Art Unit 3628